



State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2900 FAX (603) 271-2456



January 29, 2001

**Certified Mail  
Return Receipt Requested**

**Letter of Deficiency  
No. WMD 01-04**

Thomas Magee, Selectman  
Town of Winchester  
P.O. Box 25  
1 Richmond Street  
Winchester, NH 03470

**Re: HWC 01-02, Winchester Town Garage, Forest Lake Road, Winchester, NH 03470**

Dear Mr. Gray:

On January 22, 2001, personnel from the Department of Environmental Services, Waste Management Division (DES) conducted an inspection of the Winchester Town Garage ("Town") located at Forest Lake Road, Winchester, NH ("Site"). The purpose of this inspection was to determine whether the Town was in compliance with RSA 147-A and rules adopted pursuant thereto relative to hazardous waste management.

During the inspection, DES personnel observed or learned the following:

1. The Town burns used oil in a used oil furnace.
2. The following storage containers were observed inside of the garage:
  - a. Two, 275-gallon tanks which according to Dale Gray, Road Agent, Town of Winchester, contains number two fuel oil;
  - b. One, 300-gallon tank which according to Mr. Gray contains used oil. This container is labeled "waste oil/hazardous waste";
  - c. One unlabeled open-top 55-gallon drum which according to Mr. Gray contains used oil; and
  - d. One unlabeled open-top 25-gallon drum which according to Mr. Gray contains used oil;
3. The following storage containers were observed behind the garage:
  - a. One unlabeled storage tank which according to Mr. Gray is estimated to contain approximately 1,500 gallons of used oil;

- b. One unlabeled storage tank which according to Mr. Gray is estimated to contain approximately 1,000 gallons of used oil;
  - c. Seventeen unlabeled 55-gallon drums with unknown contents; and
  - d. Five, 5-gallon pails, which according to Mr. Gray contain sludge and water from the 300-gallon used oil tank.
4. Five unsealed floor drains in the five garage bays. According to Mr. Gray these lead outside of the building to a sand pile. DES personnel opened up two of the drains to examine their contents. These two floor drains were free of sludge and filled with water. No oil sheen was observed.

This letter serves to inform the Town that the above referenced Site conditions constitute violations of RSA 147-A and its implementing regulations, specifically:

Env-Wm 502.01	Failure to conduct a hazardous waste determination.
Env-wm 507.01(c)	Failure to seal floor drains in an area where hazardous waste is stored, specifically used oil.
Env-Wm 807.06(b)(4)	Failure to ensure that all used oil containers are clearly labeled with the words "Used Oil for Recycle" at all times during accumulation and storage.
Env-Wm 807.06(b)(5)	Failure to ensure that all containers of used oil are closed at all times, except when used oil is being added to or removed from the container.

DES believes that the cited deficiencies can be corrected by completing the following requested remedial actions within the time indicated:

1. **Within 14 days** ensure that a hazardous waste determination is conducted for the contents of the seventeen 55-gallon steel drums as required by Env-Wm 502.01.
2. **Within 14 days** contact Mitch Locker, DES, at 271-2858 to bring the floor drains into compliance by sealing the floor drains, connecting to a public waste water system, or rerouting the floor drains to a DES registered holding tank.
3. **Within 5 days** ensure that all used oil containers are clearly labeled with the words "Used Oil for Recycle" as required by Env-Wm 807.06(b)(4).
4. **Immediately** ensure that all used oil containers are closed at all times, except when used oil is being added to or removed from the containers.
5. If the hazardous waste determination identifies any of the waste as a hazardous waste, the Town has **ninety** days from January 22, 2001, to dispose of the wastes at a facility permitted to receive the waste.
6. **Within 30 days**, submit to DES a written report detailing the corrective action(s) taken.

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In the event compliance is not achieved within the time period indicated above, DES may initiate formal enforcement action against the Town, including issuing an order requiring the deficiencies to be corrected and/or referring the matter to the New Hampshire Department of Justice for imposition of civil and/or criminal penalties. DES reserves the right to pursue administrative fines for the violation(s) noted above.

Please address all correspondence and reports regarding this matter to:

DES, WMD  
6 Hazen Drive  
Concord, New Hampshire 03301-6507

Attention: Kenneth W. Marschner

If you have any questions relative to the used oil requirements or the used oil grant program, please contact Timothy Prospert at 271-2942.

A goal of DES is to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. DES strives to ensure that pollution prevention options are considered first, followed by recycling, treatment and lastly, disposal. If you have any questions about pollution prevention, please contact Ms. Stephanie D'Agostino at 271-6398.

Your prompt cooperation is appreciated. Please contact George Carrigan at (603) 271-3899 if you have any questions or need further assistance.

Sincerely,

**COPY**  


Kenneth W. Marschner  
Administrator  
Waste Management Programs

CC: DB/Town/File  
Philip J. O'Brien, Ph.D., Director, WMD  
Gretchen Rule, Enforcement Coordinator, DES  
Mitch Locker, DES  
Tim Prospert, DES  
S. D'Agostino, DES

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